UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,267	05/29/2001	Christopher M. White	3382-56618	8059

26119 7590 06/16/2005

KLARQUIST SPARKMAN LLP
121 S.W. SALMON STREET
SUITE 1600
PORTLAND, OR 97204

EXAMINER	
VU, NGOC K	

ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/870,267	WHITE ET AL.	
	Examiner	Art Unit	
	Ngoc K. Vu	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 March 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7 and 9-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *19-21* is/are allowed.

6)☒ Claim(s) *1-7 and 9-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *11/22/04*. & 5/23/05
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Arguments

1. Applicant's arguments with respect to claim 1-7 and 9-16 have been fully considered but they are not persuasive.

With respect to amended claims 1 and 15, applicant argues nowhere does Dunn or Wolf either alone or in combination teach or suggest "when thereafter switching back to said interactive video entertainment channel, restoring said data record and resuming said transmission over a second transmission channel, wherein said transmission channels refer to frequencies used to relay programming to clients". Examiner respectfully disagrees.

Firstly, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., restoring said data record) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). It is noted that claim 1 recites "...restoring video interruption point information associated with the at least one data record..." (Emphasis added).

Secondly, Dunn discloses that various forms of programs are made on available on different channel. For example, there is a designated channel for VOD, a designated channel for EPG, and other designated channels for other applications, broadcast or cable programming. Dunn further discloses that the system controls transmission of the video content program on VOD channel (see col. 3, lines 34-38 and col. 4, lines 43-46). The system of Dunn transmits various types of programs such as video, i.e., movie or game, and program guide on designated channels to subscriber. It must be understood that the system includes plural transmission channels having the assigned frequencies for carrying signals to appropriately provide programs

on viewing/designated channels. For instance, a movie of ABC channel is transmitted over a transmission channel 1 which has an assigned frequency xyz MHz. Thus, at least Dunn teaches providing plural transmission channels, where the transmission channels refer to frequencies used to replay program to clients or subscribers.

Dunn also discloses the system including for transmitting a requested VOD program to a particular STB over the distribution network via a VOD channel. For instance, Dunn discloses that the playing unit 48 controls the digital transmission of the video content program over the distribution structure 30 on the VOD channel to the requesting STB (see col. 4, lines 43-46). At this point, the term "a first transmitting channel" recited in claim 1 equates to a transmitting VOD channel in the Dunn reference.

Dunn further discloses that when the viewer switches from playing a program on the VOD channel to a non-VOD channel, the system automatically pauses the playing program. When the viewer once again tunes to the VOD channel, a resume message is sent to the headend. The headend then resumes transmission of the program to the STB (see col. 6, lines 17-19; col. 7, lines 9-19). This indicates pausing and resuming the transmission of the program, but Dunn does not specifically disclose resuming the transmission over a second transmission channel. However, Wolf clearly discloses that when the video server receives a pause request and then a subsequent resume request from one of the viewers, it transmits the video via the look ahead stream instead of the common data stream (see col. 1, lines 54-58; col. 8, lines 16-23, 41-46). Furthermore, Wolf discloses that a common data stream for the video is concurrently transmitted from the video server to reception equipment at the viewers' locations (see col. 1, lines 51-53; col. 8, lines 10-14). That is, the video transmitted via the common data stream is for the multiple terminal receivers, while the video transmitted via the "look ahead stream" is for a particular terminal resuming transmission. The term "stream" can be read as "transmission

channel" since both are the same carrying the video data. Thus, the term "look ahead stream" equates to "second transmission channel", and the term "common data stream" equates to "first channel" at this point. In the other hand, the recited limitation can be read as resuming the transmission over a look ahead stream ("a second transmission channel") in viewed of the Wolf reference.

Next, Dunn discloses that playing unit 48 creates a pointer to the memory location within the CMS database which corresponds to the juncture of the program when paused to identify a pause point in the unfinished program. The playing unit 48 thus returns or retrieves a program ID and a pause point to the unfinished program. The program ID and pause point are used later to resume play when the view switches back to the VOD channel (see col. 6, lines 39-55; col. 7, lines 56-67). That is, pause point ("video interruption point information") associated with program ID ("at least one data record") is returned/retrieved ("restored") when the user switches back to VOD channel ("interactive video entertainment channel").

Regarding claims 4 and 9-11, applicant's failure to adequately traverse the examiner's taking of Official Notice in the last Office Action is taken as an admission of the fact(s) noticed.

With respect to amended claim 16, applicant argues that Dunn does not teach or suggest the amended language "wherein after switching back to said interactive video channel after switching away, if less than a predetermined time has elapsed then said state information is used to resume an earlier-commenced activity on said interactive video entertainment channel from a point of interruption" (*Emphasis added*). It is noted that the original specification does not particularly disclose to support the above amended language. The original specification only describes that if the user returns to the VIDEO viewer channel within a predetermined period, e.g., 24 hours, the system resumes transmission of the video from the

point of interruption. (No user action, e.g., pressing PLAY, is required – no video control panel is presented in this scenario). (See Specification: page 9, lines 20-23).

Assume the specification supports the above amended languages, the limitations of claim 16 are still met by teaching of Dunn. Particularly, Dunn discloses that when the viewer returns to the VOD channel ("interactive entertainment channel" after switching away, the play unit 48 retrieves the program ID and pause point. The playing unit also employs the viewer ID and pause point to access the CMS database and retrieve the unfinished program. The program can be rolled back so that a portion of the program is repeated to refresh the viewer with the sequence of events where the viewer last left off. In this manner, the playing unit 48 addresses the CMS database at a resume point that is earlier in the video content program than the pause point referenced by the pointer. This can be accomplished by indexing the pointer to an different memory location corresponding to the earlier spot in the program. It is further noted that the pause point is represented by an elapsed time reference of one hour, twelve minutes, and 53 seconds. Furthermore, Dunn discloses that the viewer may switches away from the VOD channel prematurely before completion of video content program, and the viewer then returns or switch back to the VOD channel (col. 7, line 55 to col. 8, line 13; col. 6, lines 60-61). That is, Dunn teaches the features of switching back to the VOD channel after switching away, if less than a predetermined time has elapsed, i.e., before completion of video content program when switching between the VOD channel and non-VOD channel, then ID program ("station information") is used to resume earlier spot in the video content program ("an earlier-commenced activity) on the VOD channel from a pause point ("point of interruption). From these features, there is no further viewer input or activity when the playing unit resumes at a resume point that is earlier in the video content program in response to switching back to the VOD channel.

Based on the supportive reasons above, the rejections for claims 1-7 and 9-16 are therefore sustained.

2. Applicant's arguments with respect to claims 17 and 18 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-7, 9-14, 17 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said interactive video entertainment channel" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim 17 recites the limitation "the recorded real time broadcast program" in line 10. There is insufficient antecedent basis for this limitation in the claim.

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 16 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The original specification only describes that if the user returns to the VIDEO viewer channel within a predetermined period, e.g., 24 hours, the system resumes transmission of the video from the point of interruption. (No user action, e.g., pressing PLAY, is required – no video control panel is presented in this scenario). (See Specification: page 9, lines 20-23). Nowhere in the original specification supports the above amended language.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claim 16 is rejected under 35 U.S.C. 102(b) as being anticipated by Dunn et al. (U.S. 5,721,829 A).

Regarding **claim 16**, Dunn discloses a system for presenting video entertainment, the system comprising:

means for receiving a composite signal comprising television channels (e.g., a designated channel for VOD, a designated channel for EPG...etc) and at least one interactive video entertainment channel (e.g., VOD channel – see col. 2, lines 53-56; col. 3, lines 35-37);

means for switching between the channels (switching between VOD channel and non-VOD channel – see col. 6, lines 16-20);

means for displaying the channels (see col. 6, lines 16-20); and

means for storing state information associated with the interactive video entertainment channel (storing a ID program and pause point associated with the VOD channel when the user switches away from the VOD channel – see col. 6, lines 46-55);

wherein, after switching back to the interactive video entertainment channel after switching away, if less than a predetermined time has elapsed then the state information is used to resume an earlier-commenced activity on the interactive video entertainment channel from a point of interruption (when the viewer returns to the VOD channel ("interactive entertainment channel" after switching away, the play unit 48 retrieves the program ID and pause point. The playing unit also employs the viewer ID and pause point to access the CMS database and retrieve the unfinished program. The program can be rolled back so that a portion of the program is repeated to refresh the viewer with the sequence of events where the viewer last left off. In this manner, the playing unit 48 addresses the CMS database at a resume point that is earlier in the video content program than the pause point referenced by the pointer. This can be accomplished by indexing the pointer to an different memory location corresponding to the earlier spot in the program. It is further noted that the pause point is represented by an elapsed time reference of one hour, twelve minutes, and 53 seconds. Furthermore, Dunn discloses that the viewer may switches away from the VOD channel prematurely before completion of video content program, and the viewer then returns or switch back to the VOD channel (col. 7, line 55 to col. 8, line 13; col. 6, lines 60-61). That is, Dunn teaches the features of switching back to the VOD channel after switching away, if less than a predetermined time has elapsed, i.e., before completion of video content program when switching between the VOD channel and non-VOD channel, then ID program ("station information") is used to resume earlier spot in the video content program ("an earlier-commenced activity) on the VOD channel from a pause point ("point of interruption));

and wherein the resumption of the earlier-commenced activity occurs without further user input (there is no further viewer input or activity when the playing unit resumes at a resume

point that is earlier in the video content program in response to switching back to the VOD channel – see col. 8, lines 12-16).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 1-7 and 9-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn et al. (U.S. 5,721,829 A) in view of Wolf et al. (US 5,461,415 A).

Regarding **claim 1**, Dunn discloses a method of presenting interactive video entertainment (e.g., VOD program), comprising:

providing plural viewing channels (e.g., a designated channel for VOD service, a designated channel for EPG...etc – see col. 3, lines 34-38);

providing plural transmission channels (plural transmission channels to transmit various types of programs - see col. 3, lines 34-38 and col. 4, lines 43-46);

on certain of the channels, providing television programs (for example, broadcast programs such as news, movie, or sport programs);

on at least one of the viewing channels, providing interactive video entertainment (e.g., VOD channel provides VOD program) (col. 3, lines 34-42); and

when switching away from an interactive video entertainment viewing channel (e.g., VOD channel) transmitted on a first transmitting channel (for instance, transmitting a program of VOD channel on a transmitting VOD channel), storing at least one data record associated with the interactive video entertainment viewing channel (storing a ID program and pause point

associated with the VOD channel when the user switches away from the VOD channel – see col. 6, lines 46-55); and

when thereafter switching back to the interactive video entertainment channel, restoring video interruption point information associated with at least one data record (playing unit 48 creates a pointer to the memory location within the CMS database which corresponds to the juncture of the program when paused to identify a pause point in the unfinished program. The playing unit 48 thus returns or retrieves a program ID and a pause point to the unfinished program. The program ID and pause point are used later to resume play when the view switches back to the VOD channel (see col. 6, lines 39-55; col. 7, lines 56-67). That is, pause point ("video interruption point information") associated with program ID ("at least one data record") is returned/retrieved ("restored") when the user switches back to VOD channel ("interactive video entertainment channel")).

Dunn teach that the system transmits various types of programs such as video, i.e., movie or game, and program guide on designated channels to subscriber (see col. 3, lines 34-38). It must be understood that the system includes plural transmission channels having the assigned frequencies for carrying signals to appropriately provide programs on viewing/designated channels. For instance, a movie of ABC channel is transmitted over a transmission channel 1 which has an assigned frequency xyz MHz.

Dunn teaches pausing and resuming the transmission of the program but does not specifically teach resuming the transmission over a second transmission channel. However, Wolf discloses that when the video server receives a pause request and then a subsequent resume request from user, it transmits the video via the look ahead stream instead of the common data stream (see col. 1, lines 55-59). Therefore, it would have been obvious to one of ordinary skill in the art to modify Dunn by transmitting the resume requested video via the look

ahead stream instead of common data stream in order to cut waiting time for user getting back the video stream of the program.

Regarding **claim 2**, Dunn discloses that at least one of data record includes a pointer associated with a point at which the VOD program was interrupted when switching away from the VOD channel (see col. 6, lines 40-50).

Regarding **claim 3**, Dunn discloses that the pause point is used to resume transmission of the VOD program from the substantially the point of interruption (see col. 6, lines 53-55).

Regarding **claim 5**, Dunn discloses that the VOD program is provided to a client terminal (28 – see figure 1) from a headend 22 (see figure 1), and the method includes creating a pointer to memory location within the CMS database at headend 22, remote from the client terminal 28 (see col. 6, lines 46-53; col. 2, lines 53-56 and figure 1).

Regarding **claim 6**, Dunn discloses switching between the viewing channels, i.e., VOD channel and non-VOD channel, using a remote control device (see col. 7, lines 22-29; col. 6, lines 16-19).

Regarding **claim 7**, Dunn discloses using a remote control device in conjunction with an on-screen electronic programming guide to browse the plural viewing channels (see col. 7, lines 22-24; col. 3, lines 21-23 and col. 4, lines 17-21); and selecting a viewing channel, e.g., VOD channel, providing the VOD program (see col. 3, lines 39-42).

Regarding **claim 12**, Dunn discloses providing an on-screen user interface, e.g., screen display 80 of the preview UI of VOD application, with plural controls such as order 86, choices 88, add to list 90...etc for the user to interact with the VOD channel (see col. 5, lines 8-15 and figure 3).

Regarding **claim 13**, Dunn discloses receiving a downloaded software control package, e.g., VOD application, in response to selecting a specific interactive content, e.g., movies, video

games, or TV shows, on the VOD channel; and providing an on-screen user interface, e.g., screen display of the preview browse UI of VOD application, with plural controls associated with the specific interactive content (see col. 3, lines 13-20; col. 4, line 60 to col. 5, line 24).

Regarding **claim 14**, Dunn discloses that the specific interactive content is a multi-user interactive content (VOD program such as movie, game, or TV shows – see col. 3, lines 15-19).

Regarding **claim 15**, Dunn discloses a computer-readable storage medium having stored thereon computer executable instructions for performing a method of presenting an on-demand video (see abstract and col. 12, lines 38-40):

defining plural viewing channels (e.g., VOD channel, non-VOD channel, EPG channel...etc – see col. 3, lines 34-38);

on certain of the channels, providing television programs (for example, non-channels provide news, movie, or sport programs);

on at least one of the channels, displaying the on-demand video (e.g., VOD channel provides VOD program) (col. 3, lines 34-42); the on-demand video being transported over a first transmission frequency (for instance, transmitting a program of VOD channel on a transmitting VOD channel having an assigned frequency) (see col. 3, lines 34-38 and col. 4, lines 43-46).

switching away from channel displaying on-demand video (e.g., VOD channel) to another of the plural viewing channels (non-VOD channels) and storing at least one data record associated with a point of interruption of the on-demand video (storing a ID program and pause point associated with the VOD channel when the user switches away from the VOD channel – see col. 6, lines 46-55); and

when thereafter switching back to the channel displaying the on-demand video, restoring playback resumption information associated with at least one data record to display the on-demand video fro substantially the point of interruption (playing unit 48 creates a pointer to the

memory location within the CMS database which corresponds to the juncture of the program when paused to identify a pause point in the unfinished program. The playing unit 48 thus returns or retrieves a program ID and a pause point to the unfinished program. The program ID and pause point are used later to resume play when the view switches back to the VOD channel (see col. 6, lines 39-55; col. 7, lines 56-67). That is, pause point ("video interruption point information") associated with program ID ("at least one data record") is returned/retrieved ("restored") when the user switches back to VOD channel ("interactive video entertainment channel")).

Dunn teach that the system transmits various types of programs such as video, i.e., movie or game, and program guide on designated channels to subscriber (see col. 3, lines 34-38). It must be understood that the system includes plural transmission channels having the assigned frequencies for carrying signals to appropriately provide programs on viewing/designated channels. For instance, a movie of ABC channel is transmitted over a transmission channel 1 which has an assigned frequency xyz MHz.

Dunn teaches pausing and resuming the transmission of the program but does not specifically teach on-demand video being transported over a second transmission channel. However, Wolf discloses that when the video server receives a pause request and then a subsequent resume request from user, it transmits the video via the look ahead stream instead of the common data stream (see col. 1, lines 55-59). Therefore, it would have been obvious to one of ordinary skill in the art to modify Dunn by transmitting the resume requested video via the look ahead stream instead of common data stream in order to cut waiting time for user getting back the video stream of the program.

Regarding **claim 4**, Dunn discloses the that the VOD program is presented for display at a client terminal (28) (see figure 1 and col. 2, lines 51-53). Dun also discloses that the client

terminal sends a pause message to the headend to determine a pause point at which the program is stopped (see col. 6, lines 26-60). Dunn does not explicitly disclose storing the pointer at the client terminal. Official Notice is taken that a pointer indicating a pause point of the program is stored at a viewer terminal is well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Dunn by storing a pointer indicating a pause point of the program at the client terminal for later to resume the program locally.

Regarding **claim 9**, Dunn discloses switching from playing a program on VOD channel to a non-VOD channel (see col. 6, lines 16-19). Dunn does not explicitly discloses viewing email while switching away from the program on VOD channel. Official Notice is taken that it is well known in the art to provide email service for viewing on TV. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Dunn by including email service for viewing on TV to enhance the television services.

Regarding **claim 10**, Dunn discloses that the pause point includes a pointer associated with a point at which the VOD program was interrupted when switching away from the VOD channel, e.g., pause mode, and when switching back to the VOD channel e.g., resume mode, resuming the VOD program at the point of interruption. It is noted that pause/resume feature is automatic and requires no activity on the part of the viewer (see col. 7, lines 9-19; col. 6, lines 40-43 and 53-55; col. 8, lines 11-16).

Regarding **claim 11**, Dunn does not explicitly disclose screen is overscanned. Official Notice is taken that the overscan area for carrying non-display information in the video signal is well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Dunn by providing the overscan area for carrying non-display information in the video signal.

11. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniels (US 20020100044 A1) in view of Stepp et al. (US 6,363,440 B1).

Regarding **claim 17**, Daniels discloses a method of presenting interactive video entertainment comprising:

receiving a composite signal comprising plural viewing channels; on at least one of the channels, providing interactive video entertainment (receiving an incoming television and/or data signal, the television signal includes channels at prescribed frequencies. Some of these channels carry the television programs and some carry the data – see page 16, 0162);

displaying a real time broadcast program (e.g., program 1), in response to a switching input received from a remote control (for instance, displaying program 1 in response to a selection from the user via a button on a remote control – see page 4, 0036; page 6, 0085);

recording the real time broadcast program in a memory device (e.g., magnetic recording tape, DRAM...etc) in response to receiving a delay input from the remote control (for instance, recording a first portion 1 of the program 1 in the memory device, e.g., magnetic recording tape, DRAM...etc, in response to receiving a pause mode from the remote control – see page 4, 0036; page 6, 0085; page 7, 0091); and

displaying the recorded real time broadcast program from the memory device while simultaneously continuing to record the real time broadcast program in the memory device, in response to receiving a resume input from the remote control (displaying the recorded first portion 1 of the program 1 from the memory device at the same time a second portion 1 of the program 1 in the memory device, in response to receiving a resume mode form the remote control - see page 4, 0036; page 0083 and 0085; page 7, 0091).

Daniels does not disclose compressing and saving the program in a circular buffer, and decompressing and displaying the recorded program from the circular buffer. However, Stepp

discloses that video signal may be compressed and then may be recorded to storage device such as disk. The user may view the video signal by decompressing the compressed video signal and displaying the video on screen from storage device (see col. 5, lines 19-22, 31-35 and 61-66; col. 6, lines 9-15). Therefore, it would have been obvious to one of ordinary skill in the art to modify the system of Daniels by including compressing and storing video signal to storage device such as disk and decompressing the compressed video signal from the storage device for displaying as disclosed by Stepp in order to increase the effective capacity of the storage device.

Regarding **claim 18**, Daniels discloses an electronic programming guide including a list of the real time broadcast programs (see page 17, 0165 and abstract).

Allowable Subject Matter

12. Claims 19 and 21 are allowed.

13. The following is a statement of reasons for the indication of allowable subject matter:

The prior art fails to teach or fairly suggest the limitation "receiving actuation of the delay control via the user interface, and in response to the delay control actuation, persisting the user interface on screen with the resume control highlighted".

Conclusion

14. **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ngoc K. Vu
Primary Examiner
Art Unit 2611

June 13, 2005